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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,649	02/20/2004	Geoffrey N. Holland	7135USO4	7346
41155 7590 12/24/2009 BRIAN R. WOODWORTH 275 N. FIELD DRIVE DEPT. NLEG BLDG H-1 LAKE FOREST, IL 60045-2579				
EXAMINER				
KINIS, ROBERT D				
ART UNIT		PAPER NUMBER		
3623				
MAIL DATE		DELIVERY MODE		
12/24/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/783,649

**Applicant(s)**

HOLLAND ET AL.

**Examiner**

R. David Rines

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

[1] A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 October 2009 has been entered.

### ***Notice to Applicant***

[2] This communication is in response to the Amendment and the Request for Continued Examination (RCE) filed 14 October 2009. It is noted that this application benefits from Provisional Patent Application Serial Nos. 60/509,404 and 60/527,583 filed 7 October 2003 and 5 December 2003, respectively. Claims 1-11 and 13-14 have been cancelled. Claims 12, 15, and 16 have been amended. The Information Disclosure Statement (IDS) filed 14 October 2009 has been entered and considered. Claims 12, 15, and 16 are pending.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[3] Claims 12, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggers et al. (United States Patent Application Publication #2006/0106649) in view of Engleson et al. (United States Patent #7,117,041), and further in view of Ford et al. (United States Patent Application Publication #2002/0077852).

With respect to (currently amended) claim 12, Eggers et al. disclose a method for tracking a portable medical device that is movable to and reusable in a plurality of physical location in connection with a plurality of patients and connectable with an electronic network having one or more access nodes, comprising: determining the last access node used by a medical device and reporting the last used access node to a medication management unit (Eggers et al; paragraphs [0056]-[0058]); determining the last known general physical location of a medical device based

on the last access node used by the medical devices as reported at the medication management unit (Eggers et al; paragraphs [0056]-[0058]);

While Eggers et al. disclose locating the physical location of the device based on network access, Eggers et al. fail to expressly teach displaying the position.

However, Engleson et al. disclose displaying the last known general physical location of a medical device at a user access device, based on a report from the medication management unit (Engleson et al. col. 10, lines 45-67, col. 11, lines 1-14 \*see display of hospital map).

Claim 12 has been further amended with respect to the "activating and emitting" step to further recite; "...activating and emitting an audio location alarm from the medical device in response to an audio location alarm request from the user access device relayed through the medication management unit such that the medical device audibly broadcasts the audio location alarm at a then current and specific physical location of the medical device regardless of position relative to another medical device..."

With respect to the medical device reporting its location, Engleson et al. disclose that the system "maintains a record of the current or last known location within the institution, such as an infusion pump or vital sign sensor.....the status of that equipment can be easily ascertained from a video display connected to the nursing CPU..." (Engleson et al.; col. 10, lines 45-62). Engleson

further disclose a system capable of emitting alarms and alerts and further displaying those alerts (Engleson et al.; col. 10, lines 23-45).

While Engleson et al. disclose determining and displaying the location of the device and alerts and alarms associated with the device, Engleson et al. fail to specifically disclose a medical device that emits audibly alarms.

However, medical infusion pumps which emit an audibly alarm in accordance with various user settings are well known in the art as evidenced by Ford et al. (Ford et al.; paragraphs [0124]-[0128] [0189]). Examiner considers the utilizing the audibly beeping sound of the pump to locate the pump to be an intended use for the beeping.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified network-based technologies to assist in determining the location of each device as a result of their respective connection points to the network (Egges et al.; paragraphs [0056]-[0059]) to further display the location as disclosed in the tracking and monitoring hospital clinical devices of Engleson et al. (Engleson et al.; col. 10, lines 45-61) with the motivation of rapidly locating the required device in cases of emergency (Engleson et al.; col. 10, lines 56-60). It would have been further obvious to one of ordinary skill in the art to have modified the location tracking and displaying features by further utilizing well known audible alarm equipped medical devices/pumps as taught by Ford et al. (Ford et al.; paragraphs [0124]-[0128] [0189])

with the motivation of directing the healthcare providers attention to the pump when an action for the medical care of a patient is required (Ford et al.; paragraph [0126]).

A per (currently amended) claim 15, Engleson et al. disclose a system wherein the medical device is selected from a group of medical devices consisting of a medical pump, a medical diagnostic device, and a patient vital signs monitor (Engleson et al.; col. 6, lines 38-50 col. 10, lines 45-60 \*see infusion pump or vital sign sensor).

As per (currently amended) claim 16, while Engleson et al. disclose alarms and alerts, Engleson et al. fail to teach a delayed alert.

However, Ford et al. disclose a time delay before emitting an audible beeping sound from a medical infusion pump (Ford et al.; paragraphs [0124]-[0126]). Examiner considers using emitted sound to locate the pump to be an intended use.

Regarding claims 15-16, the conclusions obviousness and statements of motivation as discussed with regard to claim 12 above are applicable to claims 15-16 and are herein incorporated by reference.

***Response to Remarks/Amendment***

Applicant's arguments filed 14 October 2009 have been fully considered by the Examiner and are considered moot in view of newly added grounds of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. David Rines whose telephone number is (571)272-5585. The examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. David Rines/  
Examiner, Art Unit 3623